



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,253	02/23/2004	Akihiro Mimoto	CFA00057US	8861
7590	08/09/2006		EXAMINER NGUYEN, TUAN HOANG	
Canon U.S.A. Inc. Intellectual Property Department 15975 Alton Parkway Irvine, CA 92618-3731			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/785,253	Applicant(s) MIMOTO, AKIHIRO	
	Examiner Tuan H. Nguyen	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/23/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 02/23/2004 has been considered by Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Verster (US PAT. 5,214,410).

Consider claims 1 and 10, Verster teaches a communication comprising: selecting M different numbers (col. 6 lines 21-31); receiving a signal (col. 1 lines 14-20); clock generating a clock from the signal received by receiving (col. 4 lines 44-58); counting the generated clock (col. 4 lines 46-50); and transmitting information according to the clock count obtained by counting and the selected numbers by selecting (col. 4 lines 40-58).

Consider claims 2 and 11, Verster further teaches generating a plurality of numbers, wherein selecting the numbers generated by generating (col. 6 lines 21-31).

Consider claims 3 and 12, Verster further teaches generating the plurality of numbers upon reception of an information transmission instruction (col. 5 lines 47-57).

Consider claims 4 and 13, Verster further teaches storing L numbers, where $L > M$, wherein selecting M numbers from the L numbers stored in storing (col. 4 lines 35-46).

Consider claims 5 and 14, Verster further teaches transmitting identification information of the communication (col. 1 lines 53-64).

Consider claims 6 and 15, Verster further teaches transmitting the information each time the clock count obtained by said counting matches one of the numbers

selected by selecting (col. 4 lines 13-25).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verster in view of Pirovano et al. (U.S PAT. 6,167,045 hereinafter "Pirovano").

Consider claims 7 and 16, Verster teaches a communication comprising:
transmitting a signal to supply a clock and power to at least one other different communication (col. 4 lines 40-58); receiving information from the at least one other different communication (col. 1 lines 14-20).

Verster does not explicitly show that determining whether or not receiving has received the same information a plurality of times; and outputting the information received a plurality of times according to a determination result of determining.

In the same field of endeavor, Pirovano teaches determining whether or not receiving has received the same information a plurality of times (col. 2 lines 53-65); and outputting the information received a plurality of times according to a determination result of determining (col. 4 lines 46-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, determining whether or not receiving has received the same information a plurality of times; and outputting the information received a plurality of times according to a determination result of determining, as taught by Pirovano, in order to allow a receiving terminal to receive, on an optimistic base, data packets pertaining to a specific virtual broadcasting channel that has not been actually enabled because of a loss of the connection packet.

Consider claims 8 and 17, Verster further teaches transmitting a transmission instruction of the information to the at least one other different communication, and transmits the transmission instruction again according to a determination result of determining (col. 5 lines 47-57).

Consider claims 9 and 18, Pirovano further teaches the information comprises information for identifying the at least one other different communication (col. 4 lines 46-57).

Conclusion

7. Any response to this action should be mailed to:

Mail Stop _____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618

 8/6/06
QUOCHIEN B. VUONG
PRIMARY EXAMINER